

1 Christopher S. Marchese (SBN 170239)
2 marchese@fr.com
3 FISH & RICHARDSON P.C.
4 633 West Fifth Street, 26th Floor
5 Los Angeles, CA 90071
6 Tel: (213) 533-4240 / Fax: (858) 678-5099

7 Adam R. Shartzer (admitted *pro hac vice*)
8 shartzer@fr.com

9 Ruffin B. Cordell (admitted *pro hac vice*)
10 cordell@fr.com

11 Richard A. Sterba (admitted *pro hac vice*)
12 sterba@fr.com

13 Ralph A. Phillips (admitted *pro hac vice*)
14 rphillips@fr.com

15 Michael J. Ballanco (admitted *pro hac vice*)
16 ballanco@fr.com

17 Taylor C. Burgener (SBN 348769)
18 burgener@fr.com

19 FISH & RICHARDSON P.C.
20 1000 Maine Ave., SW, Suite 1000
21 Washington, DC 20024

22 Tel: (202) 783-5070 / Fax: (202) 783-2331

23 *Additional Counsel Listed on Signature Page*

24 Attorneys for Defendant
25 DISH Network Corporation, et al.

26 IN THE UNITED STATES DISTRICT COURT

27 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

28 ENTROPIC COMMUNICATIONS, LLC,
29 Plaintiff,

30 v.

31 DISH NETWORK CORPORATION, et al.,
32 Defendants.

Case No.: 2:23-cv-01043-JWH-KES
Case No.: 2:23-cv-01047-JWH-KES
Case No.: 2:23-cv-01048-JWH-KES
Case No.: 2:23-cv-05253-JWH-KES

33 **JOINT STIPULATION TO
34 CONSOLIDATE CASES:**

1 ENTROPIC COMMUNICATIONS, LLC,
2 Plaintiff,

3 v.
4 COX COMMUNICATIONS, INC., *et al.*,
5 Defendants.

***ENTROPIC COMMUNICATIONS, LLC
v. DISH NETWORK CORPORATION, et
al., CASE NO. 2:23-cv-01043-JWH-KES***

***ENTROPIC COMMUNICATIONS, LLC
v. COX COMMUNICATIONS, INC., et
al., CASE NO. 2:23-cv-01047-JWH-KES***

***ENTROPIC COMMUNICATIONS, LLC
v. COMCAST CORPORATION, et al.,
CASE NO. 2:23-cv-01048-JWH-KES***

***ENTROPIC COMMUNICATIONS, LLC
v. DIRECTV, LLC, et al.,
CASE NO. 2:23-cv-05253-JWH-KES***

10 ENTROPIC COMMUNICATIONS, LLC,
11 Plaintiff,

12 v.
13 COMCAST CORPORATION, *et al.*,
14 Defendants.

15 ENTROPIC COMMUNICATIONS, LLC,
16 Plaintiff,

17 v.
18 DIRECTV, LLC, *et al.*,
19 Defendants.

20 DISH NETWORK CALIFORNIA
21 SERVICE CORPORATION,

22 Counter-Claimant,

23 v.

24 ENTROPIC COMMUNICATIONS, LLC;
25 MAXLINEAR, INC.; AND MAXLINEAR
26 COMMUNICATIONS LLC,

27 Counter-Defendants.

1 The parties, Plaintiff Entropic Communications, LLC (“Entropic”) and
2 Defendants DISH Network Corporation; DISH Network L.L.C.; Dish Network Service
3 L.L.C.; and Dish Network California Service Corporation (collectively “DISH” or
4 “DISH Defendants”)¹; Defendants Cox Communications, Inc.; Coxcom, LLC; and Cox
5 Communications California LLC (collectively “Cox” or “Cox Defendants”);
6 Defendants Comcast Corporation; Comcast Cable Communications, LLC; and Comcast
7 Cable Communications Management, LLC (collectively “Comcast” or “Comcast
8 Defendants”); and Defendants DIRECTV, LLC and AT&T Services, Inc.² (“DIRECTV”
9 or “DIRECTV Defendants”) (together with Entropic, the “Parties”) hereby submit the
10 following Joint Stipulation to consolidate the following cases through the date of the
11 *Markman* hearing:

- 12 • *Entropic Communications, LLC v. DISH Network Corporation, et al.*, Case
13 No. 2:23-cv-01043-JWH-KES;
14 • *Entropic Communications, LLC v. Cox Communications, Inc., et al.*, Case
15 No. 2:23-cv-01047-JWH-KES;
16 • *Entropic Communications, LLC v. Comcast Corporation, et al.*, Case No.
17 2:23-cv-01048-JWH-KES; and
18 • *Entropic Communications, LLC v. DIRECTV, LLC, et al.*, Case No. 2:23-
19 cv-05253-JWH-KES.

20 **WHEREAS**, Rule 42(a) of the Federal Rules of Civil Procedure provides that a
21 court may consolidate actions before it if the cases involve a common question of law
22 or fact;

23 **WHEREAS**, district courts have broad discretion under this rule to consolidate
24 cases pending within the same district, and consolidation of related cases in federal court
25

26 ¹ DISH Network Corporation, DISH Network L.L.C., and Dish Network Service L.L.C.
27 are referred to collectively as “DISH Colorado”.

28 ² A stipulation for dismissal without prejudice as to AT&T Inc. and AT&T
Communications, Inc. was filed on September 7, 2023.

1 is strongly encouraged (*see Ashe v. Swenson*, 397 U.S. 436, 455 (1970); *Pierce v. County*
2 *of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008); *Investors Research Co. v. United States*
3 *Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777 (9th Cir. 1989));

4 **WHEREAS**, on February 10, 2023, Entropic filed complaints against Comcast,
5 Cox, and DISH in the above-captioned cases, alleging infringement of the same patents;

6 **WHEREAS**, on July 1, 2023, Entropic filed a complaint against DIRECTV in the
7 above-captioned case, alleging infringement of the same patents as asserted in the
8 previously-filed actions against Comcast, Cox, and DISH;³

9 **WHEREAS**, the four actions involve the same plaintiff, the same patents, and
10 claims of infringement directed to the MoCA standard;

11 **WHEREAS**, except for DISH Colorado's pending motion to dismiss for
12 improper venue and Comcast's pending motion to dismiss for lack of subject matter
13 jurisdiction, the cases are also procedurally aligned in that they are all in their early
14 stages and some have not progressed beyond the pleading stage;

15 **WHEREAS**, consolidation of the cases would reduce the burden on the Court by:
16 1) reducing the number of duplicative filings and orders, and 2) reducing the number of
17 separate hearings on procedural and substantive issues the Court must schedule;

18 **WHEREAS**, consolidation of these cases would also increase efficiency for the
19 Parties;

20 **WHEREAS**, consolidation of the cases will avoid inconsistent results within each
21 case on identical issues, particularly with regard to discovery rulings and claim
22 construction of the same terms that are at issue in all four cases;

23 **WHEREAS**, no party would be prejudiced by consolidation as all Parties have
24 agreed to consolidate cases for pretrial purposes through the *Markman* hearing.

25 **WHEREFORE**, the Parties hereby stipulate to request that the Court issue an
26 order consolidating the above-captioned cases against the Comcast, Cox, DISH, and

28 ³ Entropic and DIRECTV incorporate by reference their August 28, 2023 Status Report
regarding consolidation (Case No. 2:23-cv-05253-JWH-KES, Dkt. 27).

1 DIRECTV Defendants into a single action for pretrial purposes through the date of the
2 *Markman* hearing, with the Lead Case being 2:23-cv-01043-JWH-KES. The Parties
3 further stipulate to request that the Court order separate trials for each Defendant
4 pursuant to Rule 42(b) of the Federal Rules of Civil Procedure and 35 U.S.C. § 299.

5

6 Dated: October 12, 2023

By: /s/ Christopher S. Marchese

Christopher S. Marchese (SBN 170239)
marchese@fr.com

FISH & RICHARDSON P.C.

633 West Fifth Street, 26th Floor
Los Angeles, CA 90071
Tel: (213) 533-4240
Fax: (858) 678-5099

Ashley A. Bolt (admitted *pro hac vice*)
bolt@fr.com

FISH & RICHARDSON P.C.

1180 Peachtree Street, NE, 21nd Floor
Atlanta, GA 30309
404-892-5005
Fax: 404-892-5002

David M. Barkan

barkan@fr.com

FISH & RICHARDSON P.C.

500 Arguello Street Suite 400
Redwood City, CA 94063
650-839-5070
Fax: 650-839-5071

Adam R. Shartzer (admitted *pro hac vice*)
shartzer@fr.com

Ruffin B. Cordell (admitted *pro hac vice*)
cordell@fr.com

Richard A. Sterba (admitted *pro hac vice*)
sterba@fr.com

Ralph A. Phillips (admitted *pro hac vice*)
rphillips@fr.com

1 Michael J. Ballanco (admitted *pro hac vice*)
2 ballanco@fr.com
3 **FISH & RICHARDSON P.C.**
4 1000 Maine Ave., SW, Suite 1000
5 Washington, DC 20024
6 Tel: (202) 783-5070
7 Fax: (202) 783-2331

8

9 **ATTORNEYS FOR DISH NETWORK**
CORPORATION, DISH NETWORK L.L.C.,
DISH NETWORK SERVICE, L.L.C., AND
DISH NETWORK CALIFORNIA SERVICE
CORPORATION

10

11 Dated: October 12, 2023

Respectfully Submitted,

12 By: /s/ Christina N. Goodrich
13 Christina N. Goodrich (SBN 261722)
14 Connor J. Meggs (SBN 336159)

15 **K&L GATES LLP**

16 10100 Santa Monica Blvd., 8th Fl. Los Angeles,
17 CA 90067 Tel.: (310) 552-5547 Fax: (310) 552-
5001 christina.goodrich@klgates.com
connor.meggs@klgates.com

18 Peter Soskin (SBN 280347)

19 **K&L GATES LLP**

20 4 Embarcadero Center, Suite 1200
21 San Francisco, CA 94111
22 Tel.: (415) 882-8200
Fax: (415) 882-8220
peter.soskin@klgates.com

23 James Shimota (admitted *pro hac vice*)

24 George Summerfield (admitted *pro hac vice*)

25 **K&L GATES LLP**

26 70 W. Madison Street, Suite 3300
27 Chicago, IL 60602
Tel.: (312) 372-1121
Fax: (312) 827-8000

jim.shimota@klgates.com

Darlene F. Ghavimi (admitted *pro hac vice*)
K&L GATES LLP
2801 Via Fortuna, Suite #650
Austin, TX 78746
Tel.: (512) 482-6919
Fax: (512) 482-6859
darlene.ghavimi@klgates.com

Kenneth Bridges
Bridges IP Consulting
2113 19th Avenue S
Nashville, TN 37212
Tel: (615) 973-9478
bridgesip@icloud.com

**ATTORNEYS FOR PLAINTIFF
ENTROPIC COMMUNICATIONS, LLC**

Dated: October 12, 2023

By: /s/ April E. Isaacson

April E. Isaacson (SBN 180638)
aacson@kilpatricktownsend.com

**KILPATRICK TOWNSEND & STOCKTON
LLP**
Two Embarcadero Center, Suite 1900
San Francisco CA 94111
(415) 273 8306

Rishi Gupta (SBN 313079)
rgupta@kilpatricktownsend.com
Sarah Y Kamran
skamran@kilpatricktownsend.com
**KILPATRICK TOWNSEND & STOCKTON
LLP**
1801 Century Park East, Suite 2300
Los Angeles CA 90067
(310) 248-3830

Mitchell G. Stockwell (admitted pro hac vice)

1 mstockwell@kilpatricktownsend.com
2 Christopher S. Leah (pro hac vice)
3 cleah@kilpatricktownsend.com
4 Courtney S. Dabbiere
5 cdabbiere@kilpatricktownsend.com
6 Michael J. Turton (pro hac vice)
7 mturton@kilpatricktownsend.com
8 Vaibhav P. Kadaba (pro hac vice)
9 wkadaba@kilpatricktownsend.com
10 **KILPATRICK TOWNSEND & STOCKTON**
11 **LLP**
12 1100 Peachtree Street, Suite 2800
13 Atlanta, GA 30309-4530
14 Tel: (404)-815-6214
15 Fax: (404)-541-3403

16 **ATTORNEYS FOR DEFENDANTS COX**
17 **COMMUNICATIONS, INC.; COXCOM,**
18 **LLC; AND COX COMMUNICATIONS**
19 **CALIFORNIA, LLC**

20 Dated: October 12, 2023

21 By: /s/ Krishnan Padmanabhan
22 Krishnan Padmanabhan (SBN 254220)
23 padmanabhan@winston.com
24 **WINSTON & STRAWN LLP**
25 200 Park Ave.
26 New York City, NY 10166
27 Tel: (212) 294-3564
28 Fax: (212) 294-4700

29 Brian E. Ferguson (admitted *pro hac vice*)
30 beferguson@winston.com
31 **WINSTON & STRAWN LLP**
32 1901 L Street NW
33 Washington, DC 20036
34 Tel: (202) 282-5000
35 Fax: (202) 282-5100

36 Diana Hughes Leiden
37 dhleiden@winston.com

1 **WINSTON & STRAWN LLP**
2 333 South Grand Avenue 38th Floor
3 Los Angeles, CA 90071-1543
4 Tel: (213) 615-1700
 Fax: (213) 615-1750

5 Saranya Raghavan (*admitted pro hac vice*)
6 sraghavan@winston.com
7 **WINSTON & STRAWN LLP**
8 35 West Wacker Drive
9 Chicago, IL 60601
 Tel: (312) 558-5600
 Fax: (312) 558-5700

10 **ATTORNEYS FOR DEFENDANTS**
11 **COMCAST CORPORATION; COMCAST**
12 **CABLE COMMUNICATIONS, LLC; AND**
13 **COMCAST CABLE COMMUNICATIONS**
 MANAGEMENT, LLC

14 Dated: October 12, 2023

15 By: /s/ David S. Frist _____

16 Yuri Mikulka, SBN 185926
17 yuri.mikulka@alston.com
18 Rachel Lowe, SBN 246361
19 rachel.lowe@alston.com

20 **ALSTON & BIRD**
21 333 South Hope Street
22 16th Floor
23 Los Angeles, CA 90071-3004
24 Tel.: 1 213 576 1000
25 Fax: 1 213 576 1100

26 David S. Frist
27 david.frist@alston.com
28 Emily C. Welch
 emily.welch@alston.com

ALSTON & BIRD
 1201 West Peachtree Street, Suite 4900
 Atlanta, GA 30309
 Tel.: 1 404 881 7874
 Fax: 1 404 881 7777

1 **ATTORNEYS FOR DEFENDANTS**
2 **DIRECTV, LLC AND AT&T SERVICES,**
3 **INC.**

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE CERTIFICATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), I, Christopher S. Marchese, attest that all other signatories listed above concur in this filing's content and have authorized the filing.

/s/ Christopher S. Marchese